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UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

IN RE LOWER MANHATTAN DISASTER SITE LITIGATION

THIS DOCUMENT APPLIES TO ALL LOWER MANHATTAN DISASTER SITE LITIGATION

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STIPULATION OF DISCONTINUANCE AND COURT ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for the parties to the actions listed in "Schedule A" attached hereto, that whereas no party hereto is an infant or incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of the action, the above-entitled actions be, and the same hereby are discontinued without prejudice as against THE BANK OF NEW YORK MELLON CORPORATION, As Successor To THE BANK OF NEW YORK COMPANY, INC., THE BANK OF NEW YORK, ONE WALL STREET HOLDINGS LLC, 4101 AUSTIN BLVD CORPORATION and THE BANK OF NEW YORK TRUST COMPANY, N.A., and as to the 130 Liberty Street locations only, without costs to either party as against the other.

IT IS FURTHER STIPULATED AND AGREED, that should evidence be discovered throughout the course of the litigation which determines that THE BANK OF NEW YORK MELLON CORPORATION, As Successor To THE BANK OF NEW YORK COMPANY, INC., THE BANK OF NEW YORK, ONE WALL STREET HOLDINGS LLC, 4101 AUSTIN BLVD CORPORATION and THE BANK OF NEW YORK TRUST COMPANY, N.A., is a proper party to these suits, plaintiff may reinstitute these actions without regards to the applicable statute of limitations as a defense.

This stipulation may be filed without further notice with the Clerk of the Court.

Dated: New York, New York
December 14, 2007

SEGAL McCAMBRIDGE SINGER & MAHONEY, LTD.
Attorneys for The Bank of New York Mellon Corporation, as Successor to The Bank of New York Company, Inc., The Bank of New York, One Wall Street Holdings LLC 4101 Austin Blvd. Corporation, The Bank of New York

NAPOLI BERN Attorneys for Plaintiff

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By: Christian H. Gannon (CG-1621) 830 Third Avenue, Suite 400 New York, New York 10022 (212) 651-1500

Trust Company, N.A.

By: Christopher R. Lopalo, Esq. (CL-6466) 115 Broadway, 12<sup>th</sup> Floor: New York, New York 10006 (212) 267-3700

SO ORDERED:

HOM. ALVIN K. HELLERSTEIN

## SCHEDULE A

STIPULATION AND ORDER OF DISMISSAL RELATED TO 130 LIBERTY STREET COMPLAINTS FOR THE FOLLOWING PLAINTIFFS:

	Plaintiff Name	Index # All (AKH)
1	Acosta, Byron	07CV1552
2	Adriano, Luis	07CV4445
3	Agudelo, Gladys	07CV4446
4	Ali, Enrique	07CV01554
5	Allivar, Raul	05CV9821
. 6	Alvarez, Maria	05CV10135
. 7	Alvarracin, Jose	07CV01556
8	Asencio, Ivan	07CV,1460
9	Atencia, Marcelo	07CV01562
10	Bailon, Peter B.	07CV05336
11	Barahona, Jose	07CV5550
12	Betancourt, Hector	07CV4453
13	Burgos, Leopoldo	07CV1473
14	Caguana, Manuel	06CV11968
15	Calero, Ivan	07CV1575
16	Calle, Wilson	07CV01578
17	Campoverde, Rey R.	07CV05280
18	Campozano, Rodrigo	07CV4459
19	Cardenas, Edison	07CV1580
20	Castillo, Silvia	05CV1718
21	Chuva, Nancy	07CV01589
22	Cintron, Yolanda	06CV5631
23	Cortez, Jorge E.	07CV05394
24	Criollo, Nancy	07CV4462
25	Dota, Clara	07CV01602
26	Drake, Jesse	07CV05353
27	Duarte, Inerva	07CV01603
28	Dutan, Elvia and Wilfredo	07CV1606
29	Encalada, Jorge	07CV1607
30	Franco, Luis	07CV4466

	Rojas, Jaime	07CV4511
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71	Salazar, Victor	07CV4512
72	Sanchez, Edilberto	07CV05384
73	Sanchez, Rosa	06CV12488
74	Santamaria, Emanuel	07CV1528
75	Sarmiento, Edwin	07CV4515
76	Sarmiento, Galo	07CV1529
77	Serrano, Theresa	05CV8937
78	Siguencia, Raul	07CV1533
79	Suarez, Felipe	07CV1707
80	Samuel Sumba	07CV1710
81	Teham, Nicholas	07CV5564
82	Tenezaca, Julia	07CV1714
83	Teran, Cesareo	07CV05389
84	Thorpe, Jeanne	07CV1715
85	Vasquez, Rommel	07CV1543
86	Vazquez, Kattia	07CV1722
87	Vega, Severo	07CV4521
88	Villarroel, Segundo	07CV1546
89	Villarruel, Kleber (Paredes)	06CV13703
90	Walsh, Kevin	06CV12608
91	Waniurski, Robert	07CV4525
92	Watson, Ancil	07CV05391
93	Wragg, Clarence	06CV8125